

Quid Novi



VOL. VIII NO.17

MCGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT DE L'UNIVERSITE McGILL

February 8, 1988
le 8 fevrier, 1988

CORPORATE COURTING

by Teresa Scassa

You would probably have to be comatose or studying to have missed the recent spate of career searching which has beset the faculty of law. To an outsider it may appear to be simply another incidence of slightly irregular behaviour from a horde of vaguely over-educated pre-professionals. Yet the phenomenon is of far greater significance. For a group of individuals who have chosen to drown their personal lives in an ocean of fine print, long hours and hermetically sealed office towers, the career hunt is really their only chance to act out two very basic human rituals: dating and mating.

The whole strange thing begins every year at this time. Most probably it is prompted by that same primal urge that gets the tree rats carrying on on the front lawn as soon as the first thaw hits. The starting point is Careers Day. This event turns the faculty into the legal equivalent of a popular singles bar. Law firms come looking to meet eligible young law students. Students parade themselves in the latest boardroom fashions. There's a lot of fleeting eye contact and a steady exchange of phone numbers and business cards.

Once the initial contacts are made, the interview procedure starts. Interviews are like first dates. Interviewers corner their much put-upon friends who endure agonized dissections of the event: "I think they really

liked me. And I liked them. Gosh, I hope they ask me for a second interview!" or: "I hope I didn't come on too strong. Maybe I scared them off." For at least a week after that first interview, the interviewees hang around their apartments, staring at the telephone, and hoping desperately that it will ring.

Of course, different students have different techniques. Some play hardball with the firm they want. They let the interviewer know that they are seeing other firms. The message is: "commit or get off the pot." Other students are less commitment-oriented. Sure, they like the firm, but they don't want to spend their whole life there. They'll accept an offer, have a light-hearted summer, and be out of that firm's life before the first frost.

Naturally, like dating, not every union of student and law firm is a success. Some students are bored with their choice. Others feel ignored, or abused. Students who want to leave their firms find themselves doing the careers-day shuffle with their more footloose colleagues. Although they go from table to table chatting up new firms, they have to constantly check over their shoulders to see if their actual employer is watching. They don't want to be caught flirting with the competition.

Some students move from one firm to another. Their reasons vary. In some cases it is dissatisfaction or incompatibility which spurs them on. In others, it is sheer curiosity. Whatever the motive, these students run the risk of developing a bad reputation. They become law tramps. New law firms turn away from students who have worked for more than two other firms. Law firms prefer students on their first time round. Some firms snap up students still in first year. They like them young and impressionable. They like to train them to suit their own particular quirks and needs.

Most students and law firms, however, are looking for the same thing. They want a long term involvement with lots of promise for the future. Students are anxious to know how long it will take a firm to offer them a partnership. They'd like to be partners before they're thirty.

So the next time you see one of your previously blue-jeaned fellow students trailing down the halls in a suit, be charitable. The time for innocent careerlessness creeps past all of us in the relentless backwash of time. Someday, you too will stand neurotically in front of a mirror wondering if your suit's too tight or your hair's too long. One day you too will take the plunge into one of society's oldest institutions.

Turn these pages and you'll see what Valentine messages may be contained herein for thee!!!

ANNOUNCEMENTS

TALMUD CLASS

Every Tuesday, 1:00 p.m., Room 202
Taught by former student Greg Bordan
 Everyone is welcome; no background is necessary.

* * *

TWIT NITE

Besides needing many of the above-mentioned, Robin and David require all of you artsy types to create a logo and skits for this year's show. The theme is P.T.L. (Praise the Law). GO CRAZY! Please see either of us or Teresa or Cheryl or leave a message at L.S.A

* * *

INDIVIDUAL YEARBOOK PHOTOS

Photos of each graduating student to appear in the *Yearbook* will be taken on Thursday, February 11, 1988 in the Common Room between 10:00 a.m. and 3:00 p.m. There is no charge for this sitting. If you want your photo in the annual you *must* get it taken on Thursday, so come early and avoid the rush.

* * *

NEEDED... The *Yearbook* needs a darkroom where we can develop our black and white photos. If anyone has access to or knows of an available darkroom, please contact the Yearbook Committee through the L.S.A. Office. Thank you.

JOB AVAILABLE

Do you know how to operate MacWrite? Can you spare time on Wednesdays? Do you type? Do you want to earn money? If you answered yes to all of the above, contact the *Quid* or leave a note in the L.S.A. Office.

Anyone with questions regarding the New York Bar Exam, speak to Shari Moidel. She's got application forms and colourful, info-packed brochures for you

* * *

ATKINSON McMAHON, a 30-member law firm based in Calgary, Alberta, has articling positions for the 1989-90 period for candidates who are interested in being admitted into the Law Society of Alberta. A brochure summarizing the firm's articling programme is available at the Admissions Office, Room 14A.

If you are interested, please leave a resumé setting out your academic background, your experience and your interests together with an up-to-date transcript at the Admissions Office prior to February 15, 1988.

ATKINSON McMAHON will contact those candidates it places on the short list for positions as soon as possible after February 15, 1988.

* * *

PARTY!...PARTY!...PARTY!...PARTY!

For those of you who can't go to Ft. Lauderdale or Cancun over reading week, we offer a humble substitute - the Law Faculty's first BEACH PARTY!

Friday, February 19, dance to the sound of the tropics in the Common Room or soak up the warmth of your fellow students in the mezzanine area. Beer, wine and TROPICAL COCKTAILS await you. Happy Hour from 7-9. Beer will be \$1.00 (rather than \$1.50)! No \$2.00 door charge for those in BEACH ATTIRE! (shorts are a minimum requirement)

This is a fund-raising event. Proceeds will go to subsidizing the banquet for the graduating class, and the dance at Four Season's "ZIG ZAG" disco for the rest of the Faculty.

REALITY OCCASIONALLY MATTERS

Fight the urge to apathy. Inform yourself about issues that affect every one of us. Intermediate Nuclear Force Treaty represents a significant shift in superpower relations and the arms race. Three experts in their subject, Professors Broadhurst (Political Science), Toope and Vlasic (Law) will be speaking on the INF Treaty on February 12:00. The legal profession has much to offer in resolving the problems posed by nuclear weapons in the international sphere and it has become a central issue in contemporary international law. Don't let your schooling interfere with your education. Come and participate on Tuesday, February 16th.

Sponsored by L.S.R. - Lawyers for Social Responsibility.

* * *

AIDS AWARENESS WEEK

February 8-12

Presented by: McGill AIDS Task Force

Monday, February 8:

Speaker: Margaret Duckett, visiting professor from Australia.

Topic: Ethics and Law: Australian response to AIDS.

Place and time: FDA, 7:00 p.m.

Thursday, February 11:

Panel Discussion: doctor, theologian, civil rights officer, AIDS patient, AIDS body

Place and time: Leacock 26, 7:30 p.m.

Remember: AIDS...you are not immune.

A MANIFESTO FOR LEGAL RENEGADES

Reprinted from *The Wall Street Journal*
[January 27, 1988]

by Richard A. Posner

Mark Kelman's *A Guide to Critical Legal Studies* (Harvard, 360 pages, \$30) is a comprehensive and vigorously written survey and synthesis of Critical Legal Studies by a partisan of the movement who teaches at the Stanford Law School. Although I take umbrage at being falsely accused by the author of sins ranging from "unconscionable debaiting" to "the denial of contradiction in discourse, here through recourse to false acuum boundaries," my overall impression of a book of genuine scholarship, though marred by stridency and turgidity, as well as by exaggeration and a patronizing tone. Despite serious flaws it is probably the best book to have emerged from the CLS movement, a movement that has a growing following in American law schools.

Mr. Kelman mounts an all-out attack on efforts both old and new to depict law as a reasonably objective, reasonably disinterested, reasonably civilized method for resolving conflicts and securing liberty, efficiency and other widely shared values. All these efforts, he argues, have been wretched failures. To him, American law is a predomi-

nantly conservative ideology dedicated to shoring up the false dichotomies on which classical liberalism rests - such dichotomies as public vs. private, voluntary vs. involuntary (or chosen vs. determined) self vs. other, rule vs. discretion, court vs. legislature, making policy vs. interpreting authoritative texts. By presenting these dichotomies as natural, law makes "counterhegemonic thoughts...harder to think."

The charge has a kernel of truth. There is a fair amount of mystification in legal discourse, especially at the judicial and professorial levels. The pooh-bahs of the legal profession exaggerate the neutrality of legal doctrines and institutions; understate the law's political and contingent nature; inflate the competence and disinterest of judges, jurors, legislators and other legal actors; and make unfounded claims for the cogency of legal reasoning. Mr. Kelman's book is a massive antidote to inflated Bicentennial rhetoric about the rule of law, and that is all to the good.

But he goes way overboard. He is too quick to find contradiction, too dismissive of efforts to reconcile apparent conflicts, too contemptuous of practical reason. Although he considers mainstream legal thought little better than a snow job his book invites char-

acterization in similar terms (showing that people are most sensitive to their own faults found in other people). His method is to depict mainstream thinkers not as people with whom one might disagree but as people who cannot think - who make arguments that are "truly bizarre," ludicrously general," "hopelessly confused," "clearly sloppy and inapt," "obviously naive," "transparent failures."

When mainstream legal thinkers are not dumb, they are vicious: The framers of the Constitution are "not an especially attractive group of people to use as models, but rather an overtly racist slave-holding or slavery-tolerating group of privileged white males." Denunciation so scathing that it carries the reader along against his or her better judgment enables Mr. Kelman to shift inquiry almost imperceptibly from whether mainstream legal thought is really so incoherent as he thinks to how anyone could be fooled by such rubbish; the answer is ideology, from which he himself happily is free.

Mr. Kelman's determination to debunk every proposition associated with Western liberals (a group that extends all the way from "anarchic libertarians" on the right to "New Deal apologists" on the left), or with their

Cont'd on p.4

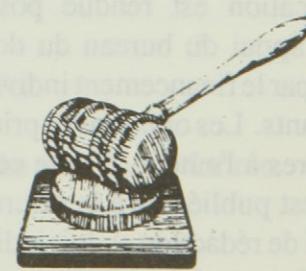
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ET RAPIDE

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Speaker's Corner

**Professor Irwin Cotler
will report on his recent visit to the
Soviet Union**

*"The Current State of Human Rights in the
U.S.S.R."*

Wednesday, February 10 - 12 noon - Room
201, N.C.D.H.
All are welcome

* * *

Women and the Law

Wednesday, February 10, 12 noon, Room
202

Me Isabel Schurman of Lapointe,
Schachler, "Women in the Legal Profes-
sion" series. Criminal Law.

Wednesday, February 17, 12 noon, Room
203

Me Miriam Grassby, "Women in the
Legal Profession" series. Setting up an all-
women law firm.

* * *

McGill Law and Policy Workshop

All workshops will be held at 12 noon in
Room 202.

Februray 12
[Free Trade Conference]

February 19
Guy Rocher, Université de Montréal,
"Pour une sociologie des ordres
juridiques"

Legal Renegades Cont'd from p.3

paladins, the mainstream legal thinkers, leads him repeatedly to take extreme positions, as when he says with apparent seriousness, "Rules are the opiate of the masses." (In remarks such as these one senses the unreconstructed 1960s radical - the "trasher" who coexists uneasily with Mr. Kelman's alternative persona as sober scholar.") He thinks marital rape may well be a more serious crime than rape by a stranger; even that making rape a crime may have been a device for fooling women into thinking they have rights. He thinks the decision in *Roe vs. Wade* may have been intended to give men freer access to women by reducing the consequences of an accidental pregnancy. Common sense is not Mr. Kelman's strong suit.

Mr. Kelman scores many of his points simply by demanding of his opponents a higher degree of rigor that is unattainable when analyzing social phenomena, such as law; he plays to the hilt the mainstream lawyer's game of defeating an opponent by shifting the standard of proof. Mr. Kelman believes that if he can demolish (or as he likes to say, "trash") the intellectual foundations of Western liberalism as they are revealed in the writings of mainstream jurists, something better will rise from the ashes, but he makes no effort to justify that faith, instead ending the book with this wistful sentence: "The Critics try to retrace, hoping to see where we first got lost." He has, however, succeeded in establishing his credentials as a powerful critic of mainstream legal thinking, and that is a genuine achievement.

EXPERT LEGAL TYPING: FACTUMS, TERM PAPERS

*References available from McGill Law Students
Competitive rates - Pick-up and delivery available*

Call PAULINE PERREAUX, 684-8862

VALENTINE MESSAGES

Dear Dave,

I may get cold feet sometimes, so keep the heat on...

Still Shaking *

Missed you while you were in Rio.

Hypothetically yours,
N.V.

Cher Daniel,

I feel obligated to confess my delictual thoughts about your bodily parts. Perhaps we could meet *in solidum* and resolve this condition of mine.

C.C.

Tasha,

I still think you'd look great barefoot and pregnant in the kitchen.

Forever,
Matt.

Benny the K.,

We want to give you a hat.

K1A

Dear, Dearer, Dearest Eric (Boo),

Happy Valentines Day, the love of my life.
Love you always,

MJCR

Dear Frank and Richard,

Your false vacuum boundaries contradict my discourse like no others can.

Mark

Gavin,

Bubble hockey isn't the only way to score with me.

Signed,
A true fan

Foster,

I'll call you if my hockey "bubble" bursts.

P.L.A.

Tom F.,

Save the next dance for me.

Love,
Rod G.

Cont'd on p.6



VALENTINE MESSAGES

Cont'd from p.5

Jo,

We need to talk. Your country home or mine? O.K., we won't talk...

T.A.F.

*

Jeremy,

My specialty is labour, too. So let's get together and discuss a union!

Your "steward-ess"

*

There once was a man named Levine.
Whom the girls really thought such a dream.
But seeing the care
He put into his hair,
They said "He'll have no time for me"

**Love,
Demelza and Elizabeth**

*

Mr. Belzil came down from the west.
All the girls sure did think him the best.
His political stripe
The girls thought just right.
Said poor Louis, "I'll never get rest!"

**Many kisses,
Mila and Maureen**

*

Mr. Cassalato,

We carry an Olympic size torch for you.

**Your flames,
Howdy and Heidi**

*

There once was a man named Guiney
Who some people thought was too skinny
But when on the ice,
His technique was so nice,
All the girls who were watching went spinnny.

**Love always,
Pizza knees**

*

Genevieve,

You're just my "type"!

D.**Bachelor #3,**

Why don't you pick me?

Anon.

*

David Skinner,

Can I be your China Girl?

Anon.

*

M.B.,

Ti amo.

J.S.

*

Kevin K.,

Shave your mustache.

T.B.

*

Holly N.,

I love a girl with a notwithstanding clause.

P.E.T.

*

Dear Jeremy,

Only You are my master
And I your willing servant
For you my heart labours faster -
You are so terribly fervent.

So, please, if but for my sake,
Exercise your managerial rights.
No protests will I make
Should you demand that I work nights.

Is it a bargain?

**Love,
Local 6966**

*

Carol,

I want to be engulfed by the smouldering fire
that is your soul.

Anon.**Frank,**

Are you sleeping yet? Happy Valentine Day!

Anon.

*

Pierre,

Les organes de l'O.N.U. sont petits et im-
puissants à côté du tien.

Anon.

*

Daniel, notre petite carotte,

A penny for our thoughts
and five bucks...

Anon.

*

Robbie,

You're my best bite this Valentine's Day!

Anon.

*

Neil,

Happy Valentine's Day to my favourite non-
entity.

Anon.

*

Cher Carotte,

In this world of fruits, you're still my fa-
vourite vegetable.

Your Cauliflower

*

Ron L.,

Save a space for me.

Bold Type

*

Danny

What's a single mother to do?

C.L.

*

To my little wop:
Happy Valentine's Day.
From your big wopper

Cont'd on p.7

VALENTINE MESSAGES

Cont'd from p. 6

Andrew,

I'm still waiting to find out what you're really like.

Passed over and out

*

Maria B.,

Roses are red
Your eyes are blue
I really really really
really like you.

Anon.

*

Barracuda,

Can your bite
be worse than your bark?

Anon.

*

Rod Garson,

I saw you first at Portage and Main
And then at Penfield and Peel
Just like a little muffin-tart
That's how you make me feel.

Anon.

*

Joani,

Thanks for going down under.

Crocodile Dundee

*

Shari

Why are you looking for love in a used
bookstore?

Dog-eared

*

Jason,

I know you're in 4th
And I'm only in 1st.
Please satisfy my
Unquenchable thirst.

N.

Gisèle,

"Y" not?

Mr. Universe

*

Keith,

*

Anon.

*

M.

*

Ken,

Who needs free trade when you have a black
market?

Anon.

*

G.

Roses are red
Chocolates are sweet
I humbly worship
On my knees at your feet

D.

*

Jo,

Roses are boring
And chocolates routine
Instead let us go
Out for poutine.

T.F.

*

C.,

The waves of cold
On my nerves they do grate
Forget about winter
Let's hibernate.

B.H.

*

H.P.

Enough of your sauce.

P.I.L.

Jay,

Can you Spare some time for me?

Anon.

*

Natasha,

When you're finished with Rocky and
Bullwinkle
There's still me.

Boris

*

Brad,

The Washington monument has nothing on
you.

Anon.

*

David W.

A tree
A city bus
Let's talk
about us.

Anon.

*

Abdou,

Are you lonesome tonight?

G.B.

*

Ode to Professor Toope

I would like to file an appearance
And bring my suit to your court
I'll use the most civil procedure
For an urgent case of this sort.

I'm too shy for preliminary motions
And my judgement's not always the best
But if I ask for another postponement
What chance do I have for success?

My statements aren't always the finest
Amendments might turn you away
But for flexible rules I implore you
Would you please extend your delay?

You don't know the length of my trial
As I hopelessly love from afar

Cont'd on p.8

VALENTINE MESSAGES

Cont'd from p.7

So I pray my appeal is successful
In bringing my case to your bar.

So grant me some kind of standing
A hearing is all that I need
A chance for a mutual discovery
For this I desperately plead.

Signed,
Lis pendans

*

To "La Bête",

I say no, you say yes
That why I like you, I guess
Let's "celebrate" on Friday
Happy St. Valentine's day!

"La Belle"

*

To "La Belle",

You bring out the "best" in me,
Happy Valentine's Day!

"La Bête"

*

Ken R.,

I know you have a girlfriend in Toronto, but
Montreal North is so much closer.

Anon.

P.S. I think you're really cute

*

Peter,

You'll love us yet - but we can wait
Until decisions appellate.

Our love we plead, but lost at trial
You spurned us then but all the while

In lust for you we have been swimmin'
Oh, to be Peter's Hoffwomen.

Our love for you goes on,
Anon.

*

Perfect Gus,

He was a phantom of delight
When first he gleam'd upon our sight;

A lovely apparition, sent
To be a moment's ornament.
He is our tin-man,
We walk on egg-shells.

Lu-usting for you

*

Rob,

All thoughts of work were cast aside
When first I saw your handsome hide.
Now days are filled with carnal bliss,
Espying your latinus maximus.

I cannot speak the tongue of Rome;
I've tried to tell you in this poem
But lust for you has made words awkwarder,
I think I'll let *res ipsa loquitur*.

Anon.

*

To Marla,

Your beauty surpasses
law school standards (!)
Your personality contrasts
With law school commonality.
I'd love to be your partner....,
But not to moot.
We'd get an A+!

Romeo

*

F.F. (my honey),

Even though your apartment is not very neat
And you're always nagging me to tickle your
feet,
I can't imagine a single day passing
Without our continuous bickering and has-
sling.
I'm trying to say that in spite of it all
For you I've taken a really big fall.
Be my Valentine?

B.B.

*

Cher Normand (Mon lieutenant),

I love it when you stand at attention.

Love, Private Part

*

To my french tutor,

Life at the Ritz may get you down
Municipal by-laws may make your frown

But remeber a good friend, you always
shall keep - Mooting questions and
answers always so deep,
And prime time reruns lure you to sleep.

Your Mooting Partner

UPCOMING CONFERENCES

La loi et vous...

Un guide pratique

La Faculté de droit de l'Université McGill
et l'Association des Courtiers d'Assurance
de la Province de Québec

Vous invitent à un séminaire sur

Le rôle du courtier: nouvelles tendances et
responsabilités

Le mercredi 10 février 1988

De 8 h à 17h

Faculté de droit de l'Université McGill
3644, rue Peel
Montréal (Québec)

* * *

L'Institut de Droit Comparé
de l'Université McGill

vous invite à un colloque sur

L'Accès aux marché dans le cadre de
l'Accord de libre-échange Canada - États-
Unis

Le vendredi 12 février 1988

de 8 h à 17h

Faculté de droit, Université McGill
3644, rue Peel
Montréal (Québec)

